

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Chittoor District – Revision Petition filed by Sri Sake Chinnappa, S/o Sri Krishnappa, Ex-Serviceman, Sangasamudram Village, Gurramkonda Mandal Chittoor District – Against the orders of Joint Collector, Chittoor in Proceedings No. D.Dis No.E4/16553/2000, dt.27.3.2003 and Proceedings of Sub-Collector, Madanapalle No. D.Dis C/2512/2000, dated. 10-11-2000– Revision Petition Dismissed – Orders – Issued.

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REVENUE (ASSN.IV) DEPARTMENT

G.O. Ms No. 1532

Dated: 25072011.

Read the following:-

- 1.Proceedings of MRO, Gurramkonda No. 989/98, dated. -4-2000.
- 2.Proceedings of Sub-Collector, Madanapalle No. D.Dis C/2512/2000, dated. 10-11-2000.
- 3.From Joint Collector, Chittoor Proceedings No. D.Dis No.E4/16553/2000, dt.27.3.2003.
- 4.Revision Petition filed by Sri Sake Chinnappa, S/o Sri Krishnappa, Ex-Serviceman, Sangasamudram Village, Gurramkonda Mandal Chittoor District, dated Nil.
5. Govt. Memo. No. 31521/Assn.IV(2)/2003, dt. 18-07-2003.
6. From the District Collector,Chittoor Letter No. Roc.E4/6018/2003, dated. 3.8.2003.

ORDER :

Whereas in the reference 1st read above, the MRO, Gurramkonda has ordered transfer of land in Sy No. 438 to an extent of Ac 0.49 cents of Sangasamudram Village in favour of Sri Sake Chinnappa, Revision Petitioner herein, under section 3 (5) of Act 9 of 1977 on the ground that though the assignment was made long back he has sold away the land and he was not in possession of it on the date of the commencement of prohibition Act 9/77 and subsequently and purchaser also sold away the land to the respondent and he is in enjoyment and possession of the land. The first purchaser has not filed any claim under Act 9/77 nor filed any objection at the time of assignment of the land to the respondent.

2. Whereas on filing of appeal by Smt Venkatamma, the Sub-Collector, Madanapalle, in the reference 2nd read above, has ordered for restoration of the subject land in favour of Venkatamma W/o Late Vonnappa, wife and legal heir of the assignee under section 4 (1) (b) of Act 9 of 1977 duly setting aside the orders of MRO, Gurramakonda in the reference 1st read above.

3. Whereas in the reference 3rd read above, the Joint Collector, Chittoor had called the case on 4.3.2003 and that the counsel for the Appellant was absent and counsel for the Respondent reported that copy of the appeal was not furnished. Accordingly the Revision was disallowed by the Joint Collector on the ground of non-presentation.

4. Whereas, Sri Sake Chinnappa, S/o Sri Krishnappa, Ex-Serviceman, Sangasamudram Village, Gurramkonda Mandal Chittoor District has filed Revision Petition before the Government in the reference 4th read above against the orders of the Joint Collector, Chittoor, with a prayer to set aside the orders of the Joint Collector in his Proceedings D.Dis No.E4/16553/2000,dt.27.3.2003 and Sub-Collector, Madanapalle, Chittoor District in his Proceedings No.D.Dis.C/2512/2000, dt.10.11.2000 and requested the Government to suspend the said orders. He among the other things filed the following grounds in support of his claim:

P.T.O.

1. that the Joint Collector, Chittoor erred in dismissing the appeal of the petitioner for default without calling the case even though the appellant was present and he has not passed the orders on merits of the case.
 2. that the Sub-Collector, Madanapalle, Chittoor District and the M.R.O., Gurramkonda Mandal, Chittoor District erred in coming to the conclusion that the land in S.No.438 (0.49 Cents) is an assigned land. There is no assignment file assigning the lands to Vannappa in the year 1955. The file number is not mentioned in any of the orders. None of the lower courts perused the alleged assignment file.
 3. that the Sub-Collector, Madanapalle, Chittoor District and the M.R.O., Gurramkonda Mandal, Chittoor District failed to consider that as per the village 'A' register, the land in S.No.438 is an old patta land and not D.K.T. assigned land.
 4. that the Sub-Collector, Madanapalle, Chittoor District and the M.R.O., Gurramkonda Mandal, Chittoor District failed to consider that the original vendor Sri Settivari Vanappa was a pattadar even during the year 1947 and hence it was not an assigned land with the condition of non-alienability.
 5. that before purchasing the land by the Revision Petitioner on 27.1.1986, he consulted the VAO of the Village and that he was informed that the land in S.No.438 is an old patta land and not an assigned land. The sale deed dt.27.1.1986 also shows that it is not an assigned land. The lower courts failed to consider the recitals in the sale deed and the entries in the 'A' Register which show that the land is not an assigned land.
 6. that the Joint Collector, Chittoor and Sub-Collector, Madanapalle, Chittoor District erred in passing the orders treating the land in S.No.438 as assigned land, even though no record such as assignment file or DKT patta etc., and
 7. that even considering for a while that the land was assigned to Vannappa, it must be prior to 18.6.1954 since he was the pattadar even during the year 1947. Therefore the condition of non alienation of the land was not there prior to 18.6.1954 and hence the provisions of Act 9/77 do not apply as per definition of assigned land under Section 2 of the said act.
5. Whereas in the reference 5th read above, the District Collector, Chittoor, has been requested to furnish his report on the Revision Petition along with connected records through Chief Commissioner of Land Administration, Hyderabad.
6. And whereas in the reference 6th read above, the District Collector, Chittoor reported that, on verification of the records the brief facts of the case are as follows:-
- i) The land in Sy.No.438 to an extent of 0.49 Cts of Sangasamudram Village was assigned in favour of Sri Settavari Vonnappa during the year 1955. Out of the total extent of 0.49 Cts, the assignee has alienated an extent of 0.16 ½ cents in favour of Smt. Subbamma and the remaining extent of 0.32 ½ Cts in favour of Sri Venkataiah (both wife and husband) on 11-09-1968 through registered sale deeds. Smt. Subbamma and Sri Venkataiah in turn have alienated the land in favour of Sri Sake Chinnappa (Revision Petitioner in this case) through a registered sale deed on 27-1-1986. After purchase of the land, Sri Sake Chinnappa filed a suit in O.S.No.251/1986 on the file of District Munsif Court, Voyalpad to grant injunction in view of his

purchase of the land. Considering that the suit schedule land is a Government land and the plaintiff failed to prove his possession and enjoyment over the suit schedule land, the District Munsif Magistrate in O.S.No.251/1986, dt.12.08.1994 dismissed the petition filed by Sri Sake Chinnappa. After purchase of land, Sri Sake Chinnappa obstructed Smt. Venkatamma (the wife of assignee) from entering into the land. Hence, she filed a petition. The MRO was directed to issue notices and pass appropriate orders in the matter. The Mandal Revenue Officer, Gurramkonda regularized the transaction of the land in favour of Sri Sake Chinnappa, U/s 3 (5) of Act, 9/1977 vide his proceedings R.Dis.989/99 dated.30-4-2000.

ii) Aggrieved by the orders of the Mandal Revenue Officer, Smt. Venkatamma preferred an appeal before the Sub-Collector, Madanapalle. The Sub-Collector, Madanapalle after due enquiry, passed orders vide in his proceedings No.D.Dis. C/2512/2000, dated.10-11-2000 by setting-aside the orders of the Mandal Revenue Officer, Madanapalle issued in his proceedings R.Dis.989/99, Dated.30-4-2000 and ordered for restoration of the subject land in favour of Smt. Venkatamma W/o Late Vonnappa, wife and legal heir of the assignee, U/s 4 (1) (b) of Act, 9 of 1977.

iii) The main observation of the Sub-Collector, Madanapalle in this case is that the petitioner (Sake Chinnappa) purchased the appeal schedule land from the transferee on 27.01.1986 ie., after the commencement of the Act 9 of 1977. As such he is not entitled to purchase the land u/s 3(5) of Act 9 of 1977 and accordingly set-aside the proceedings of Mandal Revenue Officer and ordered for restoration of the land to Smt. Venkatamma, W/o. Late Vonnappa, who is wife and legal heir of the assignee u/s. 4(1) (b) of Act 9 of 1977.

iv) Aggrieved by the above orders, Sri Sake Chinnappa filed appeal before the Joint Collector, Chittoor District and the appeal was disallowed by him on the ground of non-presentation.

v) Aggrieved by the orders of the Joint Collector, Chittoor Sri Sake Chinnappa, S/o Sri Krishnappa, Ex-Serviceman, Sangasamudram Village, Gurramkonda Mandal Chittoor District has filed the Revision Petition before the Principal Secretary (Assignments), Government of A.P., Hyderabad against the orders of Sub-Collector, Madanapalle vide Proceedings D.Dis.C/2512/2000, dt.10.11.2000 and Joint Collector, Chittoor vide Proceedings D.Dis No.E4/16553/2000, dt.27.3.2003.

7. And whereas the Revision Authority heard the case on 22.6.2011. Both the Revision Petitioner and the Respondent attended the hearing. The Advocate for the Revision Petitioner has attended the hearing and argued the case and reiterated the grounds filed in the Revision Petition and has not filed any further written arguments. The Respondent was not represented by any counsel and prayed for justice as she is a poor lady. The Tahsildar, Gurramkonda Mandal also attended along with connected records.

8. And whereas the Revision Authority, after hearing the arguments of the Advocate of the Revision Petitioner and also after perusing the original records made available by the Collector, Chittoor and also the report of Tahsildar, Madanapalle have observed the contention of the Revision Petitioner that even considering for a while that the land was assigned to Vanappa, it must be prior to 18-6-1954 since he was the pattadar even during the year 1947 and as such, the condition of non-alienation of the land was not there prior to 18-6-1954 and then the provisions of Act 9/77 do not apply as per definition of assigned land under section (2) of the said act, is not correct for the following reasons:

P.T.O.

9. Whereas in the G.O.Ms No. 1406 Revenue 25-7-1958, in Rule VI it is stipulated that the terms and conditions of assignment: (i) the assignment of lands shall be free of market value; (ii) lands assigned shall be heritable but not alienable; and (iii) lands assigned shall be brought under cultivation within three years.

10. Whereas in the Section 3 of A.P. Assigned Lands (Prohibition of Transfers) Act 1977 it is stipulated that "where before or after the commencement of this Act any land has been assigned by the Government to a landless poor person for purposes of cultivation or as a house-site then, notwithstanding anything to the contrary in any other law for the time being in force or in the deed to transfer or other document relating to such land, it shall not be transferred and shall be deemed never to have been transferred; and accordingly no right or title in such assigned land shall vest in any person acquiring the land by such transfer".

11. In view of the rule position stated above and in the fitness of the things and as per the above mentioned orders all the transactions made from the year 1955 of the subject land are null and void. Further, the provisions of APAL (POT) Act 9 of 1977, non-alienating has been made applicable to the already assigned lands as well i.e. before commencement of the said Act. Hence I don't see any valid reasons in the Revision Petition filed by Sri Sake Chinnappa, Ex-Serviceman, S/o Sri Krishnappa, Sangasamudram (V), Gurramkonda (M), Chittoor District and is accordingly hereby dismissed.

12. The District Collector, Chittoor shall take necessary action accordingly.

13. The following records received through the reference 4th read above are returned herewith to the District Collector, Chittoor and he is requested to acknowledge the same:

- i) Collector, Chittoor, D. Dis E4/16553/2000 dated. 27.3.2003, pages 1-80 CF & 1-4 NF and 1 to 2 DC.**
- ii) Mandal Revenue Office, Gurramkonda, D.Dis.No.989/99, dt.30.4.2000, Pages 1 to 188 CF.**

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**ANIL CHANDRA PUNETHA
PRINCIPAL SECRETARY TO GOVERNMENT**

To

Sri Sake Chinnappa (Petitioner)

Smt. Chinthirla Venkatamma (party)

(Through Tahsildar, Gurramkonda, Chittoor Dist., and he is requested to serve copy of the order to the R.P. and furnish the served copy to the Govt., immediately)

The Spl. Chief Secretary & Chief Commissioner of Land Administration,
Hyderabad.

The District Collector, Chittoor. (with original records as above).

The Tahsildar, Gurramkonda Mandal, Chittoor District.

Copy to: Sri P.Ramabrahmam, Advocate, H.No.10-3-298/298, Srinivas
Apartment, Humayunnagar, Hyderabad-28.
(Counsel for the Petitioner).

Copy to: P.S. to Prl. Secretary (Revenue).
SF/SC.

// FORWARDED::BY ORDER //

SECTION OFFICER